

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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TransCanada Power Marketing Ltd.,

and

Retail Energy Supply Association,

Petitioners

v.

Federal Energy Regulatory Commission,

Respondent

Essential Power Massachusetts, LLC, et al.,

Intervenors

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Case No. 14-1103

(Consolidated with Nos. 14-1104, 14-1105)

**JOINT (UNOPPOSED) PROPOSED  
BRIEFING FORMAT AND SCHEDULE**

In response to the Court's August 29, 2014 order, Petitioner TransCanada Power Marketing Ltd., Petitioner Retail Energy Supply Association, Respondent Federal Energy Regulatory Commission, and Intervenors ISO New England Inc., Essential Power Massachusetts LLC, *et al.*, PSEG Energy Resource & Trade LLC, *et al.*, and New England Power Generators Association, Inc., have consulted and agreed to the following joint proposed briefing format and schedule. This joint proposal provides ample briefing time and opportunity to all Parties and avoids duplicative briefing. The Parties propose the following briefing format and schedule.

1. **Briefs.** Petitioners TransCanada Power Marketing Ltd. and Retail Energy Supply Association will file a Joint Brief in these consolidated cases, subject to the standard allotment of 14,000 words. Petitioners TransCanada Power Marketing Ltd. and Retail Energy Supply Association will also file a Joint Reply Brief, subject to the standard allotment of 7,000 words. Respondent Federal Energy Regulatory Commission will file a single brief in these consolidated cases, subject to the standard allotment of 14,000 words. Intervenor New England Power Generators Association, Inc. intends to file a brief in support of Respondent. Intervenor Essential Power Massachusetts, LLC, *et al.*, and PSEG Energy Resource & Trade LLC, *et al.*, do not seek to file briefs on their own behalf and will file a brief jointly with the New England Power Generators Association, Inc., should they decide to file an Intervenor brief with the Court. Intervenor ISO New England does not intend to file a brief. The Parties accordingly jointly propose to allow the New England Power Generators Association, Inc. (jointly with other Intervenor(s) or on its own behalf, as the case may be) to file a single brief of Intervenor(s), not to exceed the standard allotment of 8,750 words. *See* D.C. Cir. R. 32(a)(2)(B)(i).
2. **Schedule.** Petitioners' principal brief will be submitted within 50 days after the Court enters the scheduling order in the proceeding. Respondent Federal Energy Regulatory Commission's brief will be due 60 days after the filing of Petitioners' principal brief(s) (in accordance with its unopposed motion filed July 7, 2014, in these consolidated cases). The brief of Intervenor(s) will be due 15 days after the filing of the Respondent's brief. The Petitioners' reply brief will be due 14 days after the filing of the brief of Intervenor(s). The deferred joint appendix will be due 7 days after the filing of Petitioners' reply brief; all final briefs will be due 14 days after the filing of the deferred

joint appendix. Because the Parties do not know when the Court will issue a scheduling order, the Parties request the right to seek a modified schedule if the deadlines outlined in this section fall within the holiday season.

WHEREFORE, the Parties respectfully request that the Court enter an order establishing a briefing order in accordance with the foregoing.

Respectfully Submitted,

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Dated: September 29, 2014

**CERTIFICATE OF SERVICE**

Pursuant to Federal Rules of Appellate Procedure 25(c) and 25(d), and the Court's Administrative Order Regarding Electronic Case Filing, I hereby certify that I have served the foregoing document upon each person listed below.

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Dated at Boston, MA, this 29<sup>th</sup> day of September, 2014.

Respectfully Submitted,

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